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09/785,205	02/20/2001	Robert L. Hardacker	50P4071	3959

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/785,205

Applicant(s)

HARDACKER, ROBERT L.

Examiner

Stephen M. D'Agosta

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 2-20-01 is in compliance and accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

The drawings were received on 2-20-01 and have been reviewed by the draftsperson and examiner.

### ***Claim Objections***

Claims 21-22 objected to because of the following informalities: these claims appear to recite limitations that are not applicable to the design of the system but rather go to "operational support" – not to mention that audio/video and handheld equipment are inherently transportable (eg. note TV sports broadcasts, etc.) and one skilled would expect the system to be transportable - it may be more appropriate to state that the entire system is "transportable" rather than to say "transporting viewer and audio/video equipment to said next event locale". Appropriate correction is required. Failure to correct will lead to a USC 112 rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-22** rejected under 35 U.S.C. 102(e) as being anticipated by Ortiz et al.

US 2002/0063799.

As per **claim 1**, Ortiz teaches an on-location local multicast distribution system (title) comprising:

A plurality of input devices receiving contemporaneous information on a particular event (figure 5 shows TV cameras C1 to Cn)

A plurality of uniquely identifiable output devices (figure 5 shows data transmitters D1 to Dn that output data and handheld devices #60))

A local distribution unit, information from said plurality of input devices being provided to said local distribution unit during said event for selective distribution to authorized output devices (figure 5, #100 shows distribution server and figure 7 shows output device #60 with multiple video configurations, see Time 1 and Time 2) and

A registration terminal, event attendees registering to receive locally distributed information, each said registering attendee receiving authorization for one or more of said uniquely identifiable output devices upon registration (page 4, paragraph "0050" teaches handheld device can be "programmed/authenticated" [eg. registered] to receive specific venue-based RF transmission[s] which reads on the claim since it requires the user to purchase/rent said output device from a person/kiosk whereby they will select which broadcast[s] they want to pay for. Further to this point is paragraphs "0150-0151"

which teach hand held devices can be rented or owned by the patrons and are used to view venue-based communications. The venue promoter or stadium owner can provide the patron with a temporary code, which permits them to access, the wireless transmissions network and associated with the venue itself, such as wireless network described herein. Patron-owned devices may utilize modules (e.g., smart card technology to receive authorization (e.g., frequency or codes) needed to receive venue-provided video/data. Authorization may also be transferred to the patron-owned device via IR or short-range RF means. Wireless network 152 described herein may be configured as a proprietary wireless Intranet/Internet providing other data accessible by patrons through their hand held devices).

As per **claim 2**, Ortiz teaches claim 1 wherein said input devices comprise

At least one video camera receiving live video from said event (figure 5, cameras C1 to Cn)

At least one microphone receiving audio information from said event (page 3, paragraph "0049" teaches handheld device having audio/video output from venue. The examiner notes that all sports events typically provide both audio and video TV broadcasts, paragraph "0092" teaches venue-based audio/video being transmitted).

As per **claim 3**, Ortiz teaches claim 2 wherein each said at least one video camera and at least one microphone are in radio communication with said local distribution unit (figure 5 shows cameras C1 to Cn being connected, wired or wirelessly, to distribution server).

As per **claim 4**, Ortiz teaches claim 3 wherein said local distribution unit includes storage containing data related to said event (figure 5 is a server which is interpreted as having vast memory capability for storing video to support on-demand viewing of instant replays, see paragraph "0019").

As per **claim 5**, Ortiz teaches claim 3 wherein each of said uniquely identifiable output devices includes a display, said authorized output devices displaying video selected from one or said at least one video cameras (figure 5 shows handheld output device #60 that can display one or more video camera outputs on the viewing screen, #63, #65, #67, #69).

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As per **claim 6**, Ortiz teaches claim 5 wherein said registration terminal includes a credit card input device, credit card information for registering users being provided to said registration terminal through said credit card input device (page 4, paragraph "0050" teaches handheld device can be "programmed/authenticated" [eg. registered] to receive specific venue-based RF transmission[s] which reads on the claim since it requires the user to purchase/rent said output device from a person/kiosk whereby they will select which broadcast[s] they want to pay for. Further to this point is the fact that the user will have to pay via cash, credit or check, **see paragraph "0151"**.).

As per **claim 7**, Ortiz teaches claim 5 wherein at least one of said displays is a LCD (figure 1, #18).

As per **claim 8**, Ortiz teaches claim 5 wherein at least one of said output devices is a PDA (see paragraph "0009" to "0011").

As per **claim 9**, Ortiz teaches claim 5 wherein said uniquely identifiable output devices are in radio communication with said local distribution unit (figure 5 shows wireless link between output devices and distribution server, #110).

As per **claim 10**, Ortiz teaches claim 9 wherein said distribution unit is receiving event related data over the Internet (paragraph "097" teaches use of a TCP/IP network which reads on the Internet as does paragraph "0151").

As per **claim 11**, Ortiz teaches claim 9 wherein said event is a sporting event said local distribution unit providing audio and video feeds from teams participating in said sporting event and providing individual statistics about participants (figure 5 shows server providing audio/video as does paragraph "0092" while paragraph teaches "0091" the server may be integrated with wireless network to provide team and venue data, which can then be transferred to wireless data transmitter receiver from wireless network and displayed thereafter as team and venue information within display screen of hand held device. Other data that may be transferred to hand held device for display include real-time and historical statistics, purchasing, merchandise and concession information, and additional product or service advertisements).

As per **claim 12**, Ortiz teaches claim 11 but is silent on wherein said sporting event is an auto race said local distribution unit providing audio and video feeds from pit crews, race cars and providing individual driver and race car statistics.

Ortiz teaches providing multiple perspectives of a venue activity to electronic handheld devices (abstract). Figures 5 and 7 show DIFFERENT sports events (ie. football and hockey) while figure 8 shows a musician. Hence these different embodiments read on use of the system at an auto race.

As per **claim 13**, Ortiz teaches a method for doing business (paragraphs "0150-0151" teach renting handheld devices to patrons from money), said method comprising:

- a) selectively registering fans at a sporting event (paragraph "0050" teaches handheld having "authentication" which reads on registering, also see "0052-0151")
- b) selectively renting viewers to registered fans (paragraph "0150-0151" teaches renting handheld devices to patrons)
- c) retrieving a unique viewer address from registered fans (paragraph "0151" teaches a temporary code that permits access)
- d) providing multiple streams of multimedia data to registered viewers, at least one multimedia stream including live transmissions (figure 5, #100 shows distribution server and figure 7 shows output device #60 with multiple video configurations, see Time 1 and Time 2. Also see "0056" which teaches a smart card that provides access codes to allow viewing for authenticated users and "0151" which teaches registered users having viewing capability); and
- e) retrieving rented viewers from registered fans at the end of said sporting event (the term "renting a handheld" inherently requires the user to "give back" said handheld after use, since it is not being purchased, whereby the user would return the handheld to the location they rented it from).

As per **claim 14**, Ortiz teaches claim 13 wherein each registered fan renting a viewer provides a credit card number, said credit card number securing said viewer (page 4, paragraph "0050" teaches handheld device can be "programmed/authenticated" [eg. registered] to receive specific venue-based RF transmission[s] which reads on the claim since it requires the user to purchase/rent said

output device from a person/kiosk whereby they will select which broadcast[s] they want to pay for. Further to this point is the fact that the user will have to pay via cash, credit or check to rent said viewer, also **see paragraph "0150-0151"**).

As per **claim 15**, Ortiz teaches claim 13 wherein as each fan registers said registering fan pays a fee for receiving multimedia streams (paragraphs "0150 to 0151").

As per **claim 16**, Ortiz teaches claim 15 wherein a plurality of registering fans pay said fee by providing a credit card number (page 4, paragraph "0050" teaches handheld device can be "programmed/authenticated" [eg. registered] to receive specific venue-based RF transmission[s] which reads on the claim since it requires the user to purchase/rent said output device from a person/kiosk whereby they will select which broadcast[s] they want to pay for. Further to this point is the fact that the user will have to pay via cash, credit or check to rent said viewer, **see paragraph "0150-0151"**).

As per **claim 17**, Ortiz teaches claim 16 whereby a registered fan can order concessions from registered viewers, ordered concessions being charged to a provided credit card (paragraph "0091" the wireless network may also receive and retransmit other data, in addition to video data. For example, a server or other computer system may be integrated with wireless network to provide team and venue data, which can then be transferred to wireless data transmitter receiver from wireless network and displayed thereafter as team and venue information within display screen of hand held device. Other data that may be transferred to hand held device for display include real-time and historical statistics, **purchasing, merchandise and concession information**, and additional product or service advertisements).

As per **claim 18**, Ortiz teaches claim 17 but is silent on wherein said ordered concessions are delivered to corresponding ordering fans.

Ortiz teaches Paragraph "0091" the wireless network may also receive and retransmit other data, in addition to video data. For example, a server or other computer system may be integrated with wireless network to provide team and venue data, which can then be transferred to wireless data transmitter receiver from wireless network and displayed thereafter as team and venue information within display screen of hand held device. Other data that may be transferred to hand held device for display include real-



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time and historical statistics, purchasing, merchandise and concession information, and additional product or service advertisements).

The expectation is that either the user will go get the ordered concession OR a person working at the stadium/venue will deliver it to the fan. One skilled in the art would want concessions delivered so that the user can receive said concessions without having to get them and miss the game/race/show.

As per **claim 19**, Ortiz teaches claim 15 wherein multimedia streams comprise;

At least one audio stream (page 3, paragraph "0049" teaches handheld device having audio/video output from venue. The examiner notes that all sports events typically provide both audio and video TV broadcasts, paragraph "0092" teaches venue-based audio/video being transmitted),

At least one video stream (figure 5, cameras C1 to Cn),

At least one data stream including background information - Ortiz teaches transmission of audio, video and other data (figure 5 shows server providing audio/video as does paragraph "0092" while paragraph teaches "0091" the server may be integrated with wireless network to provide team and venue data, which can then be transferred to wireless data transmitter receiver from wireless network and displayed thereafter as team and venue information within display screen of hand held device. Other data that may be transferred to hand held device for display include real-time and historical statistics, purchasing, merchandise and concession information, and additional product or service advertisements).

As per **claim 20**, Ortiz teaches claim 15 wherein said multimedia streams includes at least one broadcast feed provided in exchange for a portion of said fee (paragraphs "0150 to 0151" which teach hand held devices can be rented or owned by the patrons and are used to view venue-based communications. The venue promoter or stadium owner can provide the patron with a temporary code, which permits them to access, the wireless transmissions network and associated with the venue itself, such as wireless network described herein. Patron-owned devices may utilize modules (e.g., smart card technology to receive authorization (e.g., frequency or codes) needed to receive venue-provided video/data. Authorization may also be transferred to the patron-

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owned device via IR or short-range RF means. Wireless network 152 described herein may be configured as a proprietary wireless Intranet/Internet providing other data accessible by patrons through their hand held devices).

The examiner notes that the output device rental fee charged to a fan would include any/all costs for whatever services the venue has to offer (ie. local broadcasts, stadium data, merchandising, statistics, concessions, etc.).

As per **claims 21 and 22**, Ortiz teaches claims 13/20 and the ability to transport viewers anywhere as well as transporting handhelds/audio/video equipment for providing live multimedia transmissions at a next event (figures 5, 7 and 8 show the invention being used at different "events". The system can be "mobile" since it would be used to support a traveling football team, hockey team or concert performer). Ortiz does not limit the invention to only being a permanent fixture and hence nothing excludes it from being a mobile multicast distribution system.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Brennan et al. US 5,513,384.
2. Deluca US 5,663,717.
3. Inselberg US 6,434,398

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist on 703-306-0377.

SMD

